

EXHIBIT 1 (Part 2)

1 BMW's.

2 DEPUTY COMMISSIONER FILANGERI: Really all
3 different kinds of bikes.

4 INMATE DOWELL: Yes.

5 DEPUTY COMMISSIONER FILANGERI: It wasn't
6 any particular specialty?

7 INMATE DOWELL: Mostly on Harley-Davidsons,
8 redoing the valves on the older machines.

9 DEPUTY COMMISSIONER FILANGERI: They go
10 through valves pretty quick, do they?

11 INMATE DOWELL: Yeah, but you can't -- you
12 couldn't -- at that time you couldn't buy them
13 so--

14 DEPUTY COMMISSIONER FILANGERI: So you were
15 turning new valves?

16 INMATE DOWELL: Yeah. I was converting car
17 valves to fit into the motorcycles.

18 DEPUTY COMMISSIONER FILANGERI: Wow. Wow,
19 that's pretty sophisticated. Okay. Let me see,
20 what else did I see in here? Well, your
21 disciplinary history is very noteworthy in terms
22 of its absence of anything. I guess you got a
23 general counseling chrono for possession of
24 dangerous property in 2002. What kind of property
25 was that?

26 INMATE DOWELL: Those were actually
27 screwdrivers and some pliers that were in a locker

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1 that I had control of.

2 DEPUTY COMMISSIONER FILANGERI: Was that in
3 the industries area, or your job site --

4 INMATE DOWELL: No --

5 DEPUTY COMMISSIONER FILANGERI: -- or was it
6 at your house?

7 INMATE DOWELL: -- at that time, I was doing
8 clerical work at that time and they were in a
9 locker in the office that I shared with an
10 officer.

11 DEPUTY COMMISSIONER FILANGERI: You just
12 can't stop fixing things, can you?

13 INMATE DOWELL: No. And the write-up was
14 because I had a inmate combination lock on the
15 locker.

16 DEPUTY COMMISSIONER FILANGERI: I see.

17 INMATE DOWELL: Even though they all had
18 keys for it, but --

19 DEPUTY COMMISSIONER FILANGERI: Yeah.

20 INMATE DOWELL: -- they give -- they said
21 that that gave me sole access to the tools.

22 DEPUTY COMMISSIONER FILANGERI: Oh, so they
23 weren't your tools?

24 INMATE DOWELL: No, they belonged to one of
25 the officers -- two of the officers.

26 DEPUTY COMMISSIONER FILANGERI: The officers
27 put them in there?

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1 INMATE DOWELL: Yeah.

2 DEPUTY COMMISSIONER FILANGERI: Did you say
3 that at your --

4 INMATE DOWELL: Yeah, they knew that.

5 DEPUTY COMMISSIONER FILANGERI: Why'd they
6 give you a counseling chrono?

7 INMATE DOWELL: Because they were supposed
8 to have a -- an inventory sheet on them and nobody
9 -- everybody failed to put an inventory sheet on
10 them.

11 DEPUTY COMMISSIONER FILANGERI: So just to
12 cover their backsides.

13 INMATE DOWELL: Yes.

14 DEPUTY COMMISSIONER FILANGERI: I see. I
15 didn't see anything else remarkable about the
16 probation -- sorry, the correctional counselor's
17 report. I want to turn now to the psychological
18 evaluation. It's dated May 2, 2006. It's
19 provided by Michelle Lynn Inaba, I-N-A-B-A, Ph.D.
20 Under -- on page 2, under "Clinical Assessment,"
21 she describes you as functioning within normal
22 limits. She does mention a history of dyslexia
23 and that you commented, that you still have
24 difficulty sounding out some words for reading,

25 but that seemed to be the only -- anything outside
26 the norm. Axis I diagnostic impression was
27 Bereavement, Alcohol Abuse in a Controlled

1 Environment, and Adult Antisocial Behavior by
2 History; Axis II, No Contributory Personality
3 Disorder, and she gives you a Global Assessment of
4 Functioning Score of 78. Then she goes into an
5 assessment of dangerousness. Under "Violence
6 History," she says that you grew up in an
7 environment in which you had ready access to
8 firearms, you handled guns at a young age, guns
9 were seen as a necessary tool for ranch work, and
10 you had a weapons charge prior to the commitment
11 offense. The commitment offense involved shooting
12 the victim. As an older man, however, you no
13 longer feel the need to handle conflict situations
14 aggressively, she notes. Under "Controlled
15 Environment," you've remained disciplinary free
16 since your last appearance before the Board. In
17 fact, you've been disciplinary free through your
18 whole institutional history, and she says that you
19 would be expected to be at a low risk of violence
20 in a controlled environment. If released to the
21 community, she says you -- she makes notes of
22 static risk factors: history of alcohol abuse,
23 male gender, male victim, previous criminality,
24 past use of firearm, and victim injury. On the
25 ~~other hand, she says that you have no present~~
26 dynamic risk factors, such as loss of control or
27 impulsive behavior, lack of compassion, anger, or

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1 paranoid or violent thoughts. Also noted that she
2 believes your plans for how to use your time if
3 paroled seem to be constructive and realistic. In
4 her "Comments and Summary" she says you're not a
5 person who is comfortable talking about or
6 expressing your feelings, and she believes you no
7 longer need to display the same level of
8 aggression. "He participated in self-help,
9 religious activities," and they've helped give you
10 the skills to conduct yourself in a sober and
11 nonviolent manner across settings. She mentions
12 you regularly attend AA. I should speak to that,
13 because, you know, I only saw one chrono about AA
14 and it was in December of 2005, or the fourth
15 quarter of 2005. Are you still in AA?

16 INMATE DOWELL: Yes, I am.

17 DEPUTY COMMISSIONER FILANGERI: How come
18 they're not sending chronos? They used to send
19 chronos like --

20 INMATE DOWELL: I don't know why --

21 DEPUTY COMMISSIONER FILANGERI: -- every
22 couple of three months.

23 INMATE DOWELL: -- it's not in the record.

24 DEPUTY COMMISSIONER FILANGERI: Did you
25 bring any?

26 INMATE DOWELL: Yeah, I have some in my
27 self-help side.

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1 DEPUTY COMMISSIONER FILANGERI: Okay. Let
2 me see. We're down on the bottom of page 4 now I
3 think. The examiner says, "With greater maturity,
4 it would be expected that a man would have more
5 consistent behavior control and a lessening of the
6 anger." She thought you fell into this category.
7 Overall, your risk of violent recidivism would be
8 low at the present time providing you remain
9 abstinent from use of alcohol and drugs, and any
10 return to use of intoxicants would change your
11 prognosis. In looking over the rest of your file
12 I found a couple of things that I thought we worth
13 noting. For instance, your last test of Adult
14 Basic Education reading level was two point three.
15 That was February of 2003.

16 INMATE DOWELL: Two point three?

17 DEPUTY COMMISSIONER FILANGERI: Two point
18 three.

19 INMATE DOWELL: That's pretty low, isn't it?

20 DEPUTY COMMISSIONER FILANGERI: Well, I just
21 wondered if you'd care to comment on that?

22 INMATE DOWELL: I was given a special test.

23 DEPUTY COMMISSIONER FILANGERI: A special
24 test.

25 INMATE DOWELL: Yeah. Because they wanted
26 me to take the GED exam, and so I took the whole
27 thing, and I failed my math because I have a

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1 problem transposing the numbers.

2 DEPUTY COMMISSIONER FILANGERI: Okay.

3 INMATE DOWELL: And so they gave me a
4 special test to give me an extra 30 minutes on the
5 math portion of the test so that I wouldn't have
6 to worry about hurrying on it and transposing my
7 numbers.

8 DEPUTY COMMISSIONER FILANGERI: The
9 documents I saw didn't show any math score at all.
10 It just showed the reading score.

11 INMATE DOWELL: Yeah.

12 DEPUTY COMMISSIONER FILANGERI: Two of them.

13 INMATE DOWELL: The scores that I've seen in
14 the past, like on the TABE test, was always been
15 eleven point five and a twelve point something.

16 DEPUTY COMMISSIONER FILANGERI: Well, I did
17 see one in July of 2002 for twelve point nine.

18 INMATE DOWELL: Yeah.

19 DEPUTY COMMISSIONER FILANGERI: Which
20 would've been maxing it.

21 INMATE DOWELL: Yeah.

22 DEPUTY COMMISSIONER FILANGERI: Just for
23 reading.

24 INMATE DOWELL: Yeah.

25 ~~DEPUTY COMMISSIONER FILANGERI: And I~~

26 noticed you were in a pre-GED class, according to
27 the chronos, between '97 and '99.

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1 INMATE DOWELL: Yeah. I took -- they wanted
2 me to prepare for the GED test, and so I was
3 taking this pre-course, and but even though I was
4 taking this pre-course, I signed up for the GED
5 three times, but they never allowed me to take the
6 test.

7 DEPUTY COMMISSIONER FILANGERI: Why not?

8 INMATE DOWELL: Because they said because of
9 the dyslexia that it wasn't going to allow me
10 until they gave me this special test or something,
11 and they never did do the special test, and that
12 was under the -- I can't remember the testing
13 person's name now, I can't remember his name, but
14 he passed away here last year, and that's the last
15 that -- that's when all the -- everything stopped,
16 so I was never allowed to continue with whatever,
17 if they're going to give me the math portion test
18 over again for the extended time on it or not, I'm
19 not sure.

20 DEPUTY COMMISSIONER FILANGERI: Well, I saw
21 that you were in pre-GED from '97 to '99, a couple
22 years, got positive chronos in that. They said
23 that you were enthusiastic, but of course your
24 dyslexia --

25 INMATE DOWELL: Yeah.

26 DEPUTY COMMISSIONER FILANGERI: -- was
27 difficult for you to deal with, and that seemed

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1 almost inconsistent with the July of 2002 twelve
2 point nine score, and then that certainly seemed
3 consistent with the February 2003 two point three
4 score, but all I can do is ask you to comment on
5 it and you seemed to have that. Anything else you
6 want to say about that?

7 INMATE DOWELL: No. I didn't even know what
8 the score was on that test. This was the first
9 time that I'd ever taken it. It was a special
10 test, it wasn't a regular reading test, or a
11 regular math test or anything. They weren't like
12 any other test I've ever taken.

13 DEPUTY COMMISSIONER FILANGERI: Okay.
14 Anything else about your prison behavior you want
15 to call the panel's attention to?

16 INMATE DOWELL: I have taken five other
17 self-help programs.

18 DEPUTY COMMISSIONER FILANGERI: Do you want
19 to comment on those?

20 INMATE DOWELL: Yeah. Well, I took one on
21 Parenting and it helped me a lot on how to deal
22 with my own grief and everything, of how my crime
23 affected my children and everything, and also on
24 how to present it in a way to my children that
25 would allow us to be --

26 DEPUTY COMMISSIONER FILANGERI: Sorry, I got
27 to turn the tape over.

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1 INMATE DOWELL: Okay.

2 DEPUTY COMMISSIONER FILANGERI: I hate to
3 interrupt you like this, but the good news is this
4 aggravating beeping --

5 [Thereupon, the tape was turned over.]

6 DEPUTY COMMISSIONER FILANGERI: This is side
7 two of the tape recorded hearing transcript for
8 Kenneth Dowell, D-O-W-E-L-L, C like Charles,
9 78669. This is a Subsequent Parole Consideration
10 Hearing. You were going to tell me about this
11 grief --

12 INMATE DOWELL: Yeah.

13 DEPUTY COMMISSIONER FILANGERI: -- class?

14 INMATE DOWELL: The Parenting class that I--

15 DEPUTY COMMISSIONER FILANGERI: Parenting.

16 INMATE DOWELL: -- I've taken. Well, it
17 helped me to deal with the grief that I was
18 feeling, because the grief of the hardships and
19 everything that I caused my children and
20 everything, and it helped me deal with them in a
21 way that we could be as friends, and father and
22 son, and father and daughter, you know, with my
23 one -- this -- with Charlotte and --

24 DEPUTY COMMISSIONER FILANGERI: Yeah. I saw
25 that you got self-help activities noted by the
26 counselor in '96, Alternative to Violence; in '94,
27 the Self-Esteem Program; in '95, Human Growth and

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1 Development. Has there been any self-help since
2 '95?

3 INMATE DOWELL: Well, I go to self-help
4 every Sunday now. It's put on by the LDS church.

5 DEPUTY COMMISSIONER FILANGERI: I see.

6 INMATE DOWELL: Yeah. We go --

7 DEPUTY COMMISSIONER FILANGERI: So you go to
8 church.

9 INMATE DOWELL: -- we go services and also
10 we -- there -- it's a self-help group meeting.

11 DEPUTY COMMISSIONER FILANGERI: Is that
12 documented in any way?

13 INMATE DOWELL: Just the one letter from our
14 -- from Mr. Guthrie, the bishop.

15 DEPUTY COMMISSIONER FILANGERI: This appears
16 to be letterhead from James W. Guthrie,
17 G-U-T-H-R-I-E, dated August 1, 2005?

18 INMATE DOWELL: Yeah.

19 DEPUTY COMMISSIONER FILANGERI: Has there
20 been any documentation since the last time you
21 appeared before the panel?

22 INMATE DOWELL: He was going to send another
23 letter for this hearing here, but I guess he got
24 busy and failed to do so.

25 DEPUTY COMMISSIONER FILANGERI: Okay. And
26 do you remember what this letter says?

27 INMATE DOWELL: Just basically that I've

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1 been there, that even though I'm not a member of
2 the church at this time, I attend services and
3 self-help group.

4 DEPUTY COMMISSIONER FILANGERI: I don't see
5 anything in here about self-help.

6 INMATE DOWELL: Oh.

7 DEPUTY COMMISSIONER FILANGERI: It says that
8 though you're not a member of the church, you've
9 taken part in discussions of gospel principles and
10 on occasion has even taught lessons to the group.

11 INMATE DOWELL: It's on the movement sheet
12 that way I guess, yeah. I guess he failed to put
13 it in the letter, so that's my mistake.

14 DEPUTY COMMISSIONER FILANGERI: Yeah,
15 there's nothing in the letter that seems to sound
16 anything more than church. Well, I mean this is
17 your hearing to --

18 INMATE DOWELL: Yeah.

19 DEPUTY COMMISSIONER FILANGERI: -- for you
20 to clarify that sort of stuff.

21 INMATE DOWELL: Yeah.

22 DEPUTY COMMISSIONER FILANGERI: Okay. So I
23 guess I should say, other than the AA and other
24 than the church-going --

25 INMATE DOWELL: Yeah.

26 DEPUTY COMMISSIONER FILANGERI: -- has there
27 been any self-help since '95?

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1 INMATE DOWELL: No.

2 DEPUTY COMMISSIONER FILANGERI: All right.

3 Anything else you want to bring the panel's
4 attention to about your prison behavior?

5 INMATE DOWELL: No, not that I -- I can't
6 think of anything else.

7 DEPUTY COMMISSIONER FILANGERI: Miss
8 Hawkins, is there anything you wanted to point our
9 attention to, bring to our attention --

10 ATTORNEY HAWKINS: No.

11 DEPUTY COMMISSIONER FILANGERI: -- about
12 prison behavior?

13 ATTORNEY HAWKINS: It's been covered.

14 DEPUTY COMMISSIONER FILANGERI: Thanks.

15 Then I'll give it back to Commissioner Eng. Thank
16 you.

17 PRESIDING COMMISSIONER ENG: Let's talk
18 about your parole plans, Mr. Dowell. What are
19 they?

20 INMATE DOWELL: Well, I want to go live with
21 brother in Oregon.

22 PRESIDING COMMISSIONER ENG: Is that Bryan,
23 B-R-Y-A-N, Dowell?

24 INMATE DOWELL: Yes.

25 PRESIDING COMMISSIONER ENG: Okay. And for
26 the record, that you did submit a letter, and this
27 dated 11/16/05, from your brother Bryan Dowell,

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1 D-O-W-E-L-L, in Mehama, M -- how do you pronounce
2 that?

3 INMATE DOWELL: Mehama. Mehama.

4 PRESIDING COMMISSIONER ENG: M-E-H-A-M-A.

5 INMATE DOWELL: Mehama.

6 PRESIDING COMMISSIONER ENG: Mehama.

7 INMATE DOWELL: Yeah.

8 PRESIDING COMMISSIONER ENG: Mehama, Oregon.

9 Okay. And in this letter he states that you are
10 welcome to stay in his home with his son and
11 himself any time that you want and for as long as
12 you wish. He has a drug and alcohol free home and
13 feels that it would be a good home for you. How
14 old's his son?

15 INMATE DOWELL: His son? Twelve or fifteen,
16 I think.

17 PRESIDING COMMISSIONER ENG: Is your brother
18 divorced, or widowed, or --

19 INMATE DOWELL: Separated.

20 PRESIDING COMMISSIONER ENG: Separated?

21 INMATE DOWELL: Yeah.

22 PRESIDING COMMISSIONER ENG: Does he own his
23 own home?

24 INMATE DOWELL: Yes.

25 PRESIDING COMMISSIONER ENG: How large is
26 it?

27 INMATE DOWELL: Three-bedroom, I believe.

1 PRESIDING COMMISSIONER ENG: He only has the
2 one son?

3 INMATE DOWELL: One child.

4 PRESIDING COMMISSIONER ENG: Okay. What
5 does your brother do?

6 INMATE DOWELL: He's a millwright for one of
7 the sawmill companies up there, a warehouser I
8 believe.

9 PRESIDING COMMISSIONER ENG: How old is he,
10 your brother?

11 INMATE DOWELL: Forty-seven, I think.

12 PRESIDING COMMISSIONER ENG: So what would
13 you do up there?

14 INMATE DOWELL: I'll find a job in a machine
15 shop, or I'll buy and sell equipment (inaudible).

16 PRESIDING COMMISSIONER ENG: Is your brother
17 in a position to support you financially for an
18 indefinite amount of time?

19 INMATE DOWELL: Yeah, I'm sure he is. I
20 mean I don't plan on not going without employment
21 for, you know, for very long.

22 PRESIDING COMMISSIONER ENG: Have you ever
23 talked to your brother about what type of impact
24 it could have on his son by you moving in with
25 them?

26 INMATE DOWELL: Yeah, I've written him a
27 couple of times. He doesn't seem to think that --

1 his son I think stays with his mom two or three
2 days a week, I think, so I don't think there'd be
3 a -- you know, any inconvenience or anything.

4 PRESIDING COMMISSIONER ENG: So I'm assuming
5 -- because you stated that the way you were raised
6 was with a lot guns. Is that -- I'm assuming that
7 your brother was raised the same way.

8 INMATE DOWELL: Yeah. I don't even think he
9 has any guns, or Bryan, I don't think has any
10 guns.

11 PRESIDING COMMISSIONER ENG: Do you know for
12 a fact through how he's raised his son in -- I
13 don't know if that's a small town in Oregon.

14 INMATE DOWELL: It's a very small town.
15 It's about I think 2300 population, I believe.
16 It's bigger than -- it's bigger than Fall City,
17 which is where my mom and dad have their house --
18 had their house at, just shortly away -- a short
19 distance from there, and that was a city of only
20 like 300 population, the same size town that I
21 grew up in.

22 PRESIDING COMMISSIONER ENG: You understand
23 why I asked you these questions about the weapons?

24 INMATE DOWELL: Yeah, I understand it.

25 PRESIDING COMMISSIONER ENG: Having weapons
26 in and around you was part of your everyday life.

27 INMATE DOWELL: Yeah.

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1 PRESIDING COMMISSIONER ENG: I can only
2 assume that your brother continues to abide by
3 that, living in a small town.

4 INMATE DOWELL: Oh.

5 PRESIDING COMMISSIONER ENG: It concerns the
6 panel --

7 INMATE DOWELL: Yeah.

8 PRESIDING COMMISSIONER ENG: -- that you
9 would want to go and live in that same type of
10 situation where you're going to be surrounded by
11 weapons again.

12 INMATE DOWELL: I don't think my brother has
13 any guns.

14 PRESIDING COMMISSIONER ENG: Sir, I'm sure
15 you --

16 INMATE DOWELL: Yeah.

17 PRESIDING COMMISSIONER ENG: -- could
18 understand the concern that --

19 INMATE DOWELL: Yeah.

20 PRESIDING COMMISSIONER ENG: -- the panel
21 might have with that, and the thought.

22 INMATE DOWELL: Yeah.

23 PRESIDING COMMISSIONER ENG: Okay. And I'm
24 not saying it does, I don't know.

25 INMATE DOWELL: Yeah.

26 PRESIDING COMMISSIONER ENG: But it is a
27 thought. Okay. So we've got that letter. We

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1 also have a letter that's dated October 21st of
2 2005 from Julia Perales,
3 P-E-R-A-L-E-S. So who is this woman?

4 INMATE DOWELL: A aunt by marriage.

5 PRESIDING COMMISSIONER ENG: She states that
6 she's known you for over 30 years, ex-husband to
7 her niece, Pauline. Okay. And were does she
8 live?

9 INMATE DOWELL: Los Angeles.

10 PRESIDING COMMISSIONER ENG: Los Angeles.
11 Okay. But I think that the -- it looks like this
12 is just a general support letter, unless I'm
13 missing something.

14 INMATE DOWELL: No, I think that's what it
15 is right here.

16 PRESIDING COMMISSIONER ENG: Okay.

17 INMATE DOWELL: I mean --

18 PRESIDING COMMISSIONER ENG: Okay.

19 INMATE DOWELL: -- I could stay there if I
20 -- but I wouldn't want to burden her to stay
21 there.

22 PRESIDING COMMISSIONER ENG: Okay. And then
23 we also have -- I don't know who the -- this is
24 from a Margaret -- how do you -- A-N-D-A-V-A-Z-O?

25 INMATE DOWELL: Yeah. I'm not sure how to
26 pronounce that.

27 PRESIDING COMMISSIONER ENG: And there's no

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1 date, there's no signature. I don't know where
2 she's from. So why don't you tell me who this is.

3 INMATE DOWELL: That's Pauline's sister.

4 PRESIDING COMMISSIONER ENG: Pauline's
5 sister?

6 INMATE DOWELL: Yes. But she's married to
7 somebody else.

8 PRESIDING COMMISSIONER ENG: Okay.

9 INMATE DOWELL: Married to someone.

10 PRESIDING COMMISSIONER ENG: Okay. We have
11 a letter. It's just a -- it's general letter.

12 INMATE DOWELL: Yeah.

13 PRESIDING COMMISSIONER ENG: Okay. Okay.
14 She down in Los Angeles too?

15 INMATE DOWELL: Yes.

16 PRESIDING COMMISSIONER ENG: And then again
17 that -- we've got a general support letter dated
18 August 1st, 2005 from James Guthrie, G-U-T-H-R-I-E,
19 that Commissioner Filangeri has also stated on the
20 record, and this gentleman is with the Church of
21 Jesus Christ of Latter Day Saints, and it's a
22 general support letter. So, okay. Sir, do you
23 have any plans whatsoever for parole within Los
24 Angeles County or within California?

25 INMATE DOWELL: I would have -- really have
26 no place to live in L.A. County. If I went, I
27 would have to -- if I was to ask my aunt there to

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1 live with her, well, I would -- I'd feel that I
2 was putting her out and would not -- and I would
3 -- I wouldn't feel comfortable doing that, and I
4 would have to live in a halfway house or something
5 of that nature, when I first went out there, to go
6 live there because --

7 PRESIDING COMMISSIONER ENG: Have you made
8 any inquiries into --

9 INMATE DOWELL: Well --

10 PRESIDING COMMISSIONER ENG: -- alternatives
11 within California?

12 INMATE DOWELL: Actually I did for 2005
13 hearing that I had, the last hearing, and none of
14 -- all of those people right there, until I
15 actually had a date would they even accept an
16 application.

17 PRESIDING COMMISSIONER ENG: It would help
18 if we could see the letters that you had written--

19 INMATE DOWELL: Yeah.

20 PRESIDING COMMISSIONER ENG: -- to show us,
21 to show the panel --

22 INMATE DOWELL: Yeah.

23 PRESIDING COMMISSIONER ENG: -- the level of
24 effort that you're making in terms of --

25 INMATE DOWELL: Yeah.

26 PRESIDING COMMISSIONER ENG: -- trying to
27 set yourself up.

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1 INMATE DOWELL: Yeah.

2 PRESIDING COMMISSIONER ENG: It's very
3 important, which I'm sure you understand, that the
4 more documentation you can supply to the panel, it
5 shows us, versus you just sitting there and
6 telling us --

7 INMATE DOWELL: Yeah.

8 PRESIDING COMMISSIONER ENG: -- that you're
9 taking control and that you have plans and goals
10 and how your -- you know, what are the steps that
11 you're taking towards that goal.

12 INMATE DOWELL: Yeah.

13 PRESIDING COMMISSIONER ENG: Because
14 obviously you want to be able to be
15 self-sufficient --

16 INMATE DOWELL: Yes.

17 PRESIDING COMMISSIONER ENG: -- okay, once
18 you're paroled, so we urge that -- you know, we
19 need to see the documentation to show us that
20 you're, you know --

21 INMATE DOWELL: Yeah.

22 PRESIDING COMMISSIONER ENG: -- you've got
23 things set up, and also for financial support.
24 It's very, very important. It's very difficult,
25 even without having a record of incarceration, for
26 people to find positions and employment out there
27 so -- and the panel does understand that it's

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1 very, very difficult for anyone who's incarcerated
2 to line up jobs. However, we want to see, again,
3 documentation as to who are you contacting out
4 there, what organizations are you trying to use to
5 seek employment, a lot of different things that
6 you can do --

7 INMATE DOWELL: Yeah.

8 PRESIDING COMMISSIONER ENG: -- and supply
9 us with the documentation of that, okay? But
10 again, that's why it's very, very important to
11 show that even someone who's going to offer
12 residential, okay, support to you, to also very
13 specifically state what other support are they
14 offering to you, are they offering financial
15 support in the interim until you can get on your
16 feet and find employment and start making some
17 money. Does that make sense to you?

18 INMATE DOWELL: Yeah.

19 PRESIDING COMMISSIONER ENG: So -- because,
20 you know, there is a transition period that anyone
21 has to go through. I mean --

22 INMATE DOWELL: Right. I'm aware of that.

23 PRESIDING COMMISSIONER ENG: You know,
24 you've been in for 23 years.

25 INMATE DOWELL: Yes.

26 PRESIDING COMMISSIONER ENG: It's a
27 different world out there.

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1 INMATE DOWELL: Yes.

2 PRESIDING COMMISSIONER ENG: So, you know,
3 nobody expects to you to all of a sudden walk out
4 the gate and have everything totally set up for
5 you.

6 INMATE DOWELL: That's --

7 PRESIDING COMMISSIONER ENG: It's a
8 transition period.

9 INMATE DOWELL: That's exactly why I wanted
10 to go to my brother's house in Oregon.

11 PRESIDING COMMISSIONER ENG: We understand
12 that, but I also believe that previous panels have
13 told you that we cannot parole you out of state --

14 INMATE DOWELL: Yeah.

15 PRESIDING COMMISSIONER ENG: Which, because
16 not knowing what the agreements are between
17 different states, you really need to have parole
18 plans specific to if not Los Angeles County,
19 another county where you've got a full support
20 network set up and where you have the best chances
21 of -- you know, to succeed out there, but we --
22 our hands are relatively tied regarding paroling
23 people out of state, okay? Have I missed anything
24 in terms of your other plans?

25 INMATE DOWELL: I don't know if my --

26 PRESIDING COMMISSIONER ENG: Anything else?

27 INMATE DOWELL: The letter I put in there

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1 for parole plans that I gave the counselor or not.
2 I don't know if she put it in the file or not,
3 because I plan --

4 PRESIDING COMMISSIONER ENG: Well, the
5 only--

6 INMATE DOWELL: -- but --

7 PRESIDING COMMISSIONER ENG: Yeah.

8 INMATE DOWELL: My parole plans really
9 centered around going --

10 PRESIDING COMMISSIONER ENG: Oregon.

11 INMATE DOWELL: -- to my brother's house and
12 where I could go to the community college there
13 and learn how to operate computers and different
14 things. Even though we have computerized machines
15 at the machine shop, those are different than the
16 computers that you run type -- you know, to do
17 typing and stuff like that on.

18 PRESIDING COMMISSIONER ENG: Okay. Well,
19 we've sent out Penal Code Section 3042 Notices,
20 and these notices go to agencies that have a
21 direct interest in your case. I have not seen any
22 written responses from any of the agencies,
23 however, we do have a representative of the Los
24 Angeles County District Attorney's Office who is
25 ~~present via video conference and who I'm sure will~~
26 be making a statement regarding your parole
27 suitability prior to us recessing for

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1 deliberations. Right now I don't have any further
2 questions. Commissioner Filangeri, do you have
3 any further questions to ask Mr. Dowell?

4 DEPUTY COMMISSIONER FILANGERI: Thank you,
5 Commissioner Eng. When Commissioner Eng asked you
6 about the pandering conviction, you said you
7 offered this gal an opportunity to work off some
8 money she owed you?

9 INMATE DOWELL: I didn't offer her. I told
10 her that she should go stand on the corner, or I
11 would send her to somebody that would help her out.

12 DEPUTY COMMISSIONER FILANGERI: You would
13 send to her somebody that would help her out.

14 INMATE DOWELL: Yes.

15 DEPUTY COMMISSIONER FILANGERI: What did
16 that mean?

17 INMATE DOWELL: That meant that I knew
18 somebody that was in the business of pandering
19 and--

20 DEPUTY COMMISSIONER FILANGERI: She was just
21 going to make the connection?

22 INMATE DOWELL: Yeah.

23 DEPUTY COMMISSIONER FILANGERI: That was it?
24 There wasn't any other discussion?

25 ~~INMATE DOWELL: There wasn't any other~~
26 discussion.

27 DEPUTY COMMISSIONER FILANGERI: Now I want

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1 to read something out of the record then, because
2 it's -- that's not exactly consistent with what
3 the record suggests. Geez, I didn't lose it, did
4 I?

5 INMATE DOWELL: Well, I did explain to her
6 that how this person would work.

7 DEPUTY COMMISSIONER FILANGERI: Well, why
8 don't you tell me everything you think I ought to
9 know about this.

10 INMATE DOWELL: Yeah. Well, that's -- I
11 didn't know how much -- all I told her was that
12 the guy would see that nobody would hurt her or
13 anything like that, and that's all I -- and that's
14 -- and that he would always be in the next room.

15 DEPUTY COMMISSIONER FILANGERI: Anything
16 else?

17 INMATE DOWELL: No, that's it right. I --

18 DEPUTY COMMISSIONER FILANGERI: How many
19 times did you talk? How many times did you talk
20 to her about this?

21 INMATE DOWELL: One time.

22 DEPUTY COMMISSIONER FILANGERI: One time.
23 Well, it's part of the decision package here. It
24 talks about a Sergeant Nottingham,
25 N-O-T-T-I-N-G-H-A-M, and Deputy Peavey, P-E-A-V-Y,

26 responding to a victim's residence regarding a
27 complaint that she had been solicited to pander on

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1 2/5/1980. It says that the victim said the
2 suspect had come to the victim's residence on each
3 occasion attempting to talk her into becoming a
4 prostitute and that in this way she could pay off
5 the back rent, and that she would also be -- that
6 she would also make some money. It says it
7 happened in Tuesday, January 29th, 1980, Friday,
8 February 1st, 1980, and Monday, February 4th, 1980.
9 She goes on to say that her mother was a part --
10 or the mother told the deputy that it was a party
11 -- that she was a party of the conversation, a
12 witness to the conversation, and that suspect
13 stated to the victim, quote, "You won't have to
14 hustle here, it will be like dates. The guys I'll
15 send over will take you out, they're guys that I
16 owe favors. I'll collect the money from them."
17 Does that sound familiar?

18 INMATE DOWELL: I think I did on the one --
19 on the conversation that we had, yes.

20 DEPUTY COMMISSIONER FILANGERI: He goes on
21 to write about how the deputies were set up to
22 surveil the apartment, and actually inside the
23 closet inside the apartment, when the victim went
24 to a phone booth and suggested that she had
25 rethought the idea of doing this and invited you
26 over to talk about it some more. Late in the
27 afternoon, about 4:50 hours, you responded to that

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1 location. You and the victim seated yourselves in
2 the dinette table in the kitchen. Suspect and
3 victim then became engaged in conversation. The
4 following was overhead by the deputies who were in
5 the house:

6 Quote, Suspect: "If you don't want
7 to sell your ass, I don't know how
8 else you'll be able to pay the back
9 rent." Victim: "How will it work?"
10 Suspect: "You won't have to turn
11 tricks in front of your kids. I
12 won't be that cold. I'll pick you
13 up and take you to a motel and I'll
14 wait in the next room. Then I'll
15 send the customers to your room."
16 Victim: "Then what?" Suspect:
17 "The customer will say, 'Is Kenny
18 here?' and that will let you know
19 that they're all right. I know a
20 few prostitutes, and they tell me
21 that they get 20 or 30 dollars an
22 hour. You can spend a couple of
23 hours with each customer, then you
24 can collect the money or they can
25 pay me, or I'll settle up with you
26 later."
27 They go on to quote the conversation. Do you recall

1 anything like that?

2 INMATE DOWELL: That was the one
3 conversation that we had with -- when her mother
4 was present, but -- and then when they came over,
5 she was telling me that the decision was not to do
6 that, and we had that conversation at that time
7 right there.

8 DEPUTY COMMISSIONER FILANGERI: And what
9 happened next?

10 INMATE DOWELL: And they arrested me.

11 DEPUTY COMMISSIONER FILANGERI: Who arrested
12 you?

13 INMATE DOWELL: The sheriff's department
14 arrested me.

15 DEPUTY COMMISSIONER FILANGERI: Were they
16 right there when you were having the conversation?

17 INMATE DOWELL: No. I went outside. I was
18 -- I went outside, and then came outside and
19 arrested me.

20 DEPUTY COMMISSIONER FILANGERI: So they were
21 inside where you were inside.

22 INMATE DOWELL: Yeah.

23 DEPUTY COMMISSIONER FILANGERI: And then
24 they stepped out to arrest you.

25 ~~INMATE DOWELL: Yeah. But we already~~
26 decided that we weren't going to do this, and then
27 I went on outside.

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1 DEPUTY COMMISSIONER FILANGERI: So there
2 must have been more conversation than what they
3 quoted, because there wasn't anything in there --

4 INMATE DOWELL: Yeah.

5 DEPUTY COMMISSIONER FILANGERI: -- that said
6 you weren't going to do it.

7 INMATE DOWELL: Yeah, well, I -- that's why
8 I went outside, and it was it, and I -- they came
9 out -- and then they came out and arrested me.

10 DEPUTY COMMISSIONER FILANGERI: The report
11 reflects that the people in the closet gave the
12 prearranged arrest signal over the radio, which
13 then summoned the detectives, who were outside, to
14 the door. The victim actually answered the door
15 while you were still inside the house.

16 INMATE DOWELL: Yeah.

17 DEPUTY COMMISSIONER FILANGERI: They entered
18 the house, and that's where you were placed under
19 arrest.

20 INMATE DOWELL: No, I think I was out on the
21 porch and I was -- I think I was leaving, but it
22 might have been, yeah, because I can't really
23 recall every detail of it.

24 DEPUTY COMMISSIONER FILANGERI: How about
25 this 417? Oh, excuse me. You were -- I should
26 point out that you were on probation from that
27 conviction when you committed the life crime.

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1 INMATE DOWELL: Yes, I was.

2 DEPUTY COMMISSIONER FILANGERI: All right.

3 What about this 417 way back in 1970? Do you
4 remember that? Oh, 4-7 -- I'm sorry, exhibited a
5 firearm. You were convicted of exhibiting a
6 firearm?

7 INMATE DOWELL: Oh, yeah.

8 DEPUTY COMMISSIONER FILANGERI: Do you
9 recall that?

10 INMATE DOWELL: Yeah. That was the one that
11 I explained that where we were coming back from a
12 camping trip and we were unloading the things, and
13 then everybody was drinking and two people got in
14 argument, in a fight, and somebody called the
15 cops, and then they came there, we were out in the
16 driveway, and it was about dusk in the evening
17 hours, and it was -- I don't know, September, I
18 guess, so it was a little chilly. I had a -- my
19 friend's coat on, and -- because I had misplaced
20 mine, I didn't know if it was in the -- bundled up
21 in the stuff and everything, and his was laying on
22 the seat, so I just put it on, and he was being
23 treated for alcoholism, and so he was taking these
24 pills, and I had them in the pocket, and I had

25 ~~this knife, hunting knife on my side, and then~~
26 they arrested me, charged me with possession, took
27 me down to the -- and then they charged me

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1 possession of a weapon, and then when it went to
2 court and everything, they said it was for
3 brandishing a firearm. I pleaded guilty for
4 brandishing a firearm, and then we went to -- and
5 I was on probation for a year for that, and then--

6 DEPUTY COMMISSIONER FILANGERI: You have a
7 really good memory of that.

8 INMATE DOWELL: I done the probation. Oh,
9 yeah, well, it actually happened --

10 DEPUTY COMMISSIONER FILANGERI: Right.

11 INMATE DOWELL: -- to me right there.

12 DEPUTY COMMISSIONER FILANGERI: So you're
13 saying you pled guilty to brandishing a firearm --

14 INMATE DOWELL: Yeah.

15 DEPUTY COMMISSIONER FILANGERI: -- because
16 you had a sheath knife in the sheath --

17 INMATE DOWELL: Yeah.

18 DEPUTY COMMISSIONER FILANGERI: -- on the
19 side of your --

20 INMATE DOWELL: Belt.

21 DEPUTY COMMISSIONER FILANGERI: -- belt.

22 INMATE DOWELL: Yeah. And they said it was
23 an illegal weapon because it was covered up with a
24 coat.

25 DEPUTY COMMISSIONER FILANGERI: And how did
26 you justify pleading guilty to brandishing a
27 firearm?

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1 INMATE DOWELL: Well, they said plead guilty
2 to this and you'll have probation for a year, and
3 I said okay.

4 DEPUTY COMMISSIONER FILANGERI: Okay. I
5 think that's -- no, I think that's all the
6 questions I had. Thanks very much.

7 PRESIDING COMMISSIONER ENG: Okay. Mr.
8 Jacobs, do you have any questions to pose to Mr.
9 Dowell?

10 DEPUTY DISTRICT ATTORNEY JACOBS: Yes, I do.
11 Mr. Dowell referred to Pauline as his wife. Was
12 he married to her?

13 PRESIDING COMMISSIONER ENG: Mr. Dowell,
14 were you married to Pauline?

15 INMATE DOWELL: We were married in a common
16 law marriage.

17 PRESIDING COMMISSIONER ENG: Did you hear
18 the response, Mr. Jacobs?

19 DEPUTY DISTRICT ATTORNEY JACOBS: Yes. And
20 how long did the prisoner live with her?

21 INMATE DOWELL: From 1970 to 1979 I think it
22 was, '78 or '79.

23 PRESIDING COMMISSIONER ENG: So eight or
24 nine years.

25 ~~INMATE DOWELL: Yeah.~~

26 PRESIDING COMMISSIONER ENG: You were living
27 together.

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1 INMATE DOWELL: Yes.

2 PRESIDING COMMISSIONER ENG: Okay.

3 DEPUTY DISTRICT ATTORNEY JACOBS: Why did
4 the prisoner not marry her?

5 INMATE DOWELL: Pauline was previously
6 married to someone else already.

7 PRESIDING COMMISSIONER ENG: So she was not
8 divorced at the time that you were living
9 together?

10 INMATE DOWELL: No.

11 PRESIDING COMMISSIONER ENG: All right.

12 DEPUTY DISTRICT ATTORNEY JACOBS: The
13 prisoner I believe stated that he only hit Pauline
14 one time. I have a police report here, this would
15 be page 8 of the Homicide Supplemental Report
16 within the Lifer Package, and it states that in
17 September of 1980, when she was living in a house
18 on Seafort Avenue, the suspect came to the house
19 and kicked in her bedroom door and began yelling
20 and threatening her. Did that occur?

21 PRESIDING COMMISSIONER ENG: Sir, do you
22 have any recollection of that?

23 INMATE DOWELL: That's the argument I was
24 speaking of that we -- that when -- and I was

25 living there at the time.

26 PRESIDING COMMISSIONER ENG: This is the one
27 that escalated to the point that you pushed her?

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1 INMATE DOWELL: Yeah.

2 PRESIDING COMMISSIONER ENG: Okay.

3 DEPUTY DISTRICT ATTORNEY JACOBS: On the
4 next page, that would be page 9, it states that
5 she said during their 12-year relationship the
6 suspect has beat her up on numerous occasions and
7 threatened anybody that she has ever gone out
8 with. Is that true or not true?

9 INMATE DOWELL: That's incorrect. I don't--

10 PRESIDING COMMISSIONER ENG: So why would
11 she make that claim?

12 INMATE DOWELL: I have no idea.

13 DEPUTY DISTRICT ATTORNEY JACOBS: Okay.
14 Now the prisoner has indicated that he has no
15 chronos for AA; is that correct?

16 INMATE DOWELL: No, I have chronos for AA.

17 PRESIDING COMMISSIONER ENG: Weren't they in
18 -- what -- you attended -- wasn't the last time I
19 thought was in '95? Is that what you said? Or
20 no, wait a minute.

21 INMATE DOWELL: The last time I attended was
22 the first week of November.

23 PRESIDING COMMISSIONER ENG: That's right.
24 That's right. Because I have in here -- I thought
25 ~~that you like -- there's documentation~~

26 DEPUTY DISTRICT ATTORNEY JACOBS: Has he
27 got--

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1 PRESIDING COMMISSIONER ENG: -- from 1991 to
2 the present, correct? That was your -- yes. No,
3 he has them.

4 DEPUTY DISTRICT ATTORNEY JACOBS: Okay.
5 Does he have recent chronos?

6 PRESIDING COMMISSIONER ENG: Didn't you say
7 you had November?

8 INMATE DOWELL: Yeah. I have October
9 chronos.

10 PRESIDING COMMISSIONER ENG: October
11 chronos?

12 INMATE DOWELL: Yes.

13 DEPUTY DISTRICT ATTORNEY JACOBS: Do you
14 have any -- does the prisoner have any other
15 chronos for the years 2006 or 2005?

16 INMATE DOWELL: What, AA chronos?

17 DEPUTY DISTRICT ATTORNEY JACOBS: That'll be
18 correct.

19 INMATE DOWELL: Yeah, I believe there are
20 some in the file.

21 DEPUTY DISTRICT ATTORNEY JACOBS:
22 Commissioner, is there any in the file? I have no
23 record of such.

24 DEPUTY COMMISSIONER FILANGERI: I didn't --
25 ~~I'm sorry.~~

26 PRESIDING COMMISSIONER ENG: For AA, yeah.

27 DEPUTY COMMISSIONER FILANGERI: The last AA

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1 chrono I saw in the file, as I said earlier, was
2 in December of 2005 for the fourth quarter of
3 2005. That's the last one.

4 INMATE DOWELL: Yeah.

5 PRESIDING COMMISSIONER ENG: That's what I
6 thought.

7 DEPUTY COMMISSIONER FILANGERI: I looked for
8 more, and didn't see them, if any of you hear
9 that.

10 INMATE DOWELL: Yeah.

11 ATTORNEY HAWKINS: He meant --

12 DEPUTY DISTRICT ATTORNEY JACOBS:

13 (inaudible).

14 PRESIDING COMMISSIONER ENG: I got confused.

15 DEPUTY DISTRICT ATTORNEY JACOBS: The last
16 question is, in the 2002 hearing that the -- that
17 was held with the prisoner, does the prisoner
18 remember Commissioner Moore telling him that
19 "Although you said you had gone to AA one day a
20 month, in order to get chronos you have to
21 participate on a daily basis, or I mean on a
22 weekly basis"? Does the prisoner remember that
23 statement made to him?

24 INMATE DOWELL: Yes, something like that.

25 That was two or three hearings ago.

26 PRESIDING COMMISSIONER ENG: No, I believe
27 Mr. Jacobs is referring to the 2003 Board Hearing;

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1 is that correct, Mr. Jacobs?

2 DEPUTY DISTRICT ATTORNEY JACOBS: No, 2002
3 Board Hearing.

4 PRESIDING COMMISSIONER ENG: Oh, the 2002
5 Board Hearing, I'm sorry. Okay.

6 DEPUTY DISTRICT ATTORNEY JACOBS: Yes.

7 PRESIDING COMMISSIONER ENG: Yeah.

8 DEPUTY DISTRICT ATTORNEY JACOBS: My next
9 question would be what self-help does the Latter
10 Day Saints Church provide other than regular
11 church services?

12 INMATE DOWELL: Discussions of life
13 experiences.

14 DEPUTY DISTRICT ATTORNEY JACOBS: I have no
15 further questions.

16 PRESIDING COMMISSIONER ENG: Okay.
17 Counselor, do you have any questions that you'd
18 like to pose to your client at this point?

19 ATTORNEY HAWKINS: No.

20 PRESIDING COMMISSIONER ENG: Okay. We'll
21 move on to closing statements. Mr. Jacobs?

22 DEPUTY DISTRICT ATTORNEY JACOBS: Thank you.
23 It's the position of the District Attorney's
24 Office of Los Angeles County that the prisoner
~~25 still represents a danger to the community should~~
26 he be released on parole, and the reason for that
27 is that he minimizes his responsibility for the

1 murder. Some of his statements about the crime
2 are at odds with the proof, and he has not
3 programmed in the manner requested by the Board.
4 In regards to responsibility, he tends to minimize
5 his responsibility in several ways. With the
6 exception of the 2006 report, he refers to himself
7 as being young and foolish at the time of the
8 murder and part of the reason why he committed it.
9 I would like to point out to the Board that the
10 prisoner was 36 years of age at the time, four
11 years shy of that psychiatrically magic age of 40
12 when murder becomes unthinkable. The man had four
13 children and had gone through one real marriage
14 and one common law marriage. For him to even
15 attempt to use this as a mitigating circumstance
16 demonstrates that he really doesn't understand the
17 dynamics that led him to kill Mr. Winnet. As Dr.
18 Inaba stated in her 2000 psych report, "It's
19 important for the prisoner to psychologically" --
20 let me rephrase that. "It is important for the
21 prisoner to psychologically to maintain an image
22 of himself as a nonviolent person at the expense
23 of truly trying to understand the personality and
24 behavioral characteristics which had led to the
25 murder." And in addition, he still attempts to

26 blame his voluntary intoxication for the crime,
27 even though he denied use of alcohol to the

1 probation officer, and did not appear intoxicated
2 to his girlfriend, who had lived with him for ten
3 years. We now know that the prisoner has an
4 alcohol abuse problem. So what has he done about
5 it? He's attended AA intermittently so he could
6 maintain his pay job and attend night school, and
7 that was in the 1998 Board Report. The prisoner's
8 problem is alcohol, and that should be his number
9 one focus. According to his post-conviction
10 progress reports, the prisoner has attended a
11 total of 36 months of AA since 1983. That's 36
12 months out of 276 months, or 13 percent of the
13 time. I feel very uncomfortable with this number
14 because the prisoner was warned that in order to
15 get quarterly chronos he would have to attend AA
16 more than once a month. If he would rather hold a
17 pay position than attend AA regularly, then he
18 shouldn't expect a parole date when it comes time
19 to review his case. In regards to his statements
20 in regards to the crime, he claims self-defense,
21 but the evidence is against him, which was
22 believed by a jury, and that is that the prisoner
23 pulled a weapon, a handgun, fired two shots at Mr.
24 Winnet before Mr. Winnet ever armed himself. When
~~25 he sufficiently wounded Mr. Winnet, and Mr. Winnet~~
26 raised his arms in surrender, the prisoner then
27 emptied a 12-gauge shotgun into him, which was an

1 execution pure and simple. And although Pauline's
2 girlfriend might have backtracked a bit regarding
3 her kidnapping when she talked to the probation
4 officer, she never altered her statements in
5 regards to the shooting. Although the prisoner
6 was charged with a first degree special
7 circumstance murder, the jury gave him a break and
8 convicted him of second degree murder.

9 Disregarding the prisoner's statements of intent
10 both to Pauline and to Mr. Winnet, it is rather
11 obvious that the shooting, if not the murder, was
12 premeditated because the prisoner not only parked
13 his car behind a wall and snuck into Pauline's
14 apartment in hopes of catching her in bed with Mr.
15 Winnet, the Board recalls he entered in the dark
16 of night and yanked the blankets off of her,
17 demanding to know where Mr. Winnet was. He also
18 searched the neighborhood for the victim, and when
19 he found him, he was armed not only with one gun,
20 which he claimed to use for protection because he
21 carried large sums of money, but two guns, both of
22 which he emptied at Mr. Winnet. Other statements
23 peripheral to the crime intending to show the
24 prisoner in good light are his representations to
25 some correctional counselors that he owned his own

26 business, which in fact was a part-time backyard
27 fix-it shop that brought in about 250 dollars a

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1 month, according to the probation report. He also
2 held himself out in various reports as a high
3 school graduate but he could never produce proof
4 of such, and the probation report for the life
5 crime has him dropping out after completing the
6 eleventh grade. The most glaring example of the
7 prisoner's inability or refusal to face the truth
8 is the statement he gave to his correctional
9 counselor (inaudible). He claims that Pauline
10 called him the day before regarding her car, and
11 he came over in the early morning hours to discuss
12 this with her. This is the first time the
13 prisoner has claimed Pauline contacted him and
14 asked him to come over. In fact, when the
15 prisoner did come over to Pauline's bedroom in the
16 dark and yanked the sheets off of her, he asked
17 her, "Where is Wolf?" He makes no mention of the
18 death threats made towards both Pauline and the
19 victim Winnet, nor does he discuss searching for
20 the victim, both at the bail bond's office and
21 twice at a local bar. He never explained why he
22 parked his truck in the Zodi's parking lot, which
23 was separated from Pauline's apartment complex by
24 a cement block wall that was so high that Pauline
25 had to climb up on a van and have the prisoner

26 boost her onto the wall in order to get over the
27 wall from her apartment to where his pickup truck

1 was parked. In fact, he tells a correctional
2 counselor that he drove back to Pauline's
3 apartment, parked in the stall in the apartment
4 parking lot, and that's when he got wedged in.
5 The only problem with that statement is that the
6 prisoner's pickup, Winnet's van, Winnet's corpse,
7 and prisoner's arrest all took place in the Zodi's
8 parking lot, which again, was separated from the
9 apartment complex that Pauline lived in by a tall
10 cinderblock wall. He claims Winnet pulled his gun
11 first and that the prisoner -- and that he shot
12 him in self-defense. Never happened. Forget --
13 he forgets to mention that he emptied his .38 into
14 Winnet and Winnet attempted to surrender. He then
15 -- the prisoner then returned to his truck, got a
16 shotgun, and emptied that into the victim. He is
17 not required to admit the crime nor is he required
18 to discuss the crime with the Board or CDC staff,
19 however, the prisoner chose to discuss the facts
20 of this case, and as expected, he will be candid
21 and truthful. If he is otherwise, it's a sure
22 indication that he's not ready for parole.
23 Lastly, the Board and various clinicians and
24 correctional counselors have either ordered or
25 suggested that the prisoner get a GED, yet the
26 prisoner has not yet done so. He has attained
27 high marks in Heating and Refrigeration, and even

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1 if he has dyslexia, he is obviously capable of
2 earning his GED, however, he might have to give up
3 his pay job in order to do so, which will cut into
4 his comfort zone. He -- the prisoner has to make
5 a decision: does he want to comply with the
6 Board's requests and suggestions to prepare
7 himself for parole, or would he rather program in
8 a manner that suits him? The choice is his. I
9 also note that the motive for the murder was
10 jealousy, and Pauline said she broke up with the
11 prisoner because he beat her up. The prisoner has
12 obvious anger and relationship issues, yet he's
13 taken only three courses in self-help outside of
14 the his occasional AA. Dr. Inaba in his -- in her
15 2000 psych report recommended that the prisoner
16 should participate in programs that offer violence
17 prevention strategies, victim awareness, coping
18 with dyslexia, relationship skills, and substance
19 abuse relapse prevention. The prisoner would also
20 benefit from psychotherapy which would offer an
21 opportunity -- him an opportunity to face his
22 insight into his own impulses and behavior. He
23 could benefit from therapy and participation in
24 psycho-educational groups. The lack of sufficient
25 programming was also noted by the 2003 panel. In
26 summation, if the prisoner can't abide by the
27 requests and recommendations of the Board and CDC

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1 personnel, why should we suppose that he will obey
2 the orders and suggestions of his parole officer?
3 If the prisoner is given an order that he finds
4 offensive, that interferes with his enjoyment of
5 life, why should we believe that he will go along
6 with the requests by the parole officer in the
7 community when he fails to do so in a controlled
8 environment? If he will build himself up with
9 puff pieces in prison, why should we expect him to
10 be candid with his parole officer? In almost
11 every psych report condition, their opinion of the
12 prisoner's violence potential on his abstinence
13 from alcohol but he won't regularly attend AA
14 here. Why should we believe he would do so in the
15 free society? Actions speak louder than words,
16 and the prisoner's actions shout out that he's not
17 ready for parole. Just based upon the prisoner's
18 recitation of his most recent version of the
19 crime, a multi-year denial seems warranted. Thank
20 you.

21 PRESIDING COMMISSIONER ENG: Thank you.

22 Miss Hawkins, closing statement?

23 ATTORNEY HAWKINS: As Mr. Jacobs' statement
24 makes clear and some of the questions that were
~~25 asked today and answers provided by Mr. Dowell, in~~
26 the years leading up to the commitment offense,
27 it's clear that Mr. Dowell lived an (inaudible)

1 life. He had only an eighth grade education, he
2 had a drinking problem, he didn't properly know
3 how to deal with --

4 PRESIDING COMMISSIONER ENG: Excuse me one
5 second. Mr. Jacobs, can you put it on --

6 DEPUTY DISTRICT ATTORNEY JACOBS: Yes.

7 PRESIDING COMMISSIONER ENG: -- mute? Could
8 you put yours on mute, because we can hear all the
9 papers moving.

10 DEPUTY DISTRICT ATTORNEY JACOBS: Oh, I'm
11 sorry.

12 PRESIDING COMMISSIONER ENG: That's all
13 right. Thank you. Okay. Continue. I'm sorry.

14 ATTORNEY HAWKINS: That's all right. He
15 didn't know how to deal with emotions that seem
16 fairly commonplace to us, such as jealousy and
17 anger. As Mr. Jacobs pointed out, he wasn't a
18 young child when he committed this offense. At
19 the same time, given his family background, the
20 way he was raised, the community that lived in, he
21 simply was ill equipped to deal with the types of
22 situations that he was put into. None of these
23 facts obviously forgive or excuse his actions, or
24 the murder that he committed, and Mr. Dowell is

25 ~~not here today to suggest that, rather, it's to~~
26 show you the type of person that he was back then,
27 and the limited tools that he had to deal with

1 this situation. It's clear that in the 23 years
2 that he's been incarcerated that he's changed,
3 that he has taken advantage of the programming
4 that has been offered to him, particularly in the
5 last three years, since the 2004 hearing, when the
6 Board recommended to him that he regularly attend
7 AA meetings. He has not attended them
8 sporadically, as suggested, but rather made a
9 concerted effort to go on a more regular basis,
10 and he has understood, as pointed out in the psych
11 assessment, why that is important and why that
12 would be necessary when he is released back into
13 back into society to have the support of
14 Alcoholics Anonymous. In addition to that, the
15 main constant in Mr. Dowell's life here in prison
16 has clearly been his vocational experience. He's
17 received numerous laudatory chronos pointing out
18 his successful development, how he's helped out
19 San Quentin. I am sure that they will be sorry to
20 see him leave, but it will be something that will
21 help him to reenter back into society to provide
22 financial stability for himself. Throughout his
23 time in prison, Mr. Dowell's self-development has
24 gone hand-in-hand with his spiritual development,
~~25 and he has been -- he hasn't become a member of~~
26 LDS. He'll need to be baptized in order to do
27 that, and he plans to do that when he is released,

1 but LDS is well known for being the type of church
2 that not only it has a well in the community but
3 is alcohol and substance free, as well as violence
4 free, and Mr. Dowell's siblings are all members of
5 the LDS church in their very small community, as
6 he explained earlier today, and he has every
7 intention to attend an LDS church whether he's
8 able to obtain an interstate transfer to Oregon,
9 or whether he is released into the Los Angeles
10 County. Clearly, the LDS community is vibrant and
11 present in both of those communities. Mr. Dowell
12 has worked hard during his years in prison to
13 maintain contact with his family members. He has
14 expressed, as he explained today, a desire that
15 his children not visit him in prison, but at the
16 same time he has tried to maintain a relationship
17 with them by writing letters, as well as to
18 friends and family, despite the fact that he is
19 dyslexic. I think there's been a lot of emphasis
20 placed on the fact that Mr. Dowell has not been
21 able to obtain his GED. At the same time, it's
22 not true that he hasn't tried to do so. He
23 clearly took the test recently and was unable to
24 pass the mathematics portion. I think there may
25 be a misunderstanding about the -- his condition
26 of dyslexia, which does affect his reading
27 ability, but as he mentioned, causes him to

1 transpose numbers, which is indicia of dyslexia
2 and would affect his math abilities, and that he
3 has tried, through the prison system and with his
4 counselor, to figure out how to take this test in
5 a specialized manner, but has not yet been able to
6 do so, but they are among his plans. At the last
7 Board Hearing the District Attorney stated that,
8 quote, "Mr. Dowell is one of those individuals
9 that strikes me that he holds the key to his
10 prison cell," and the DA argued that Mr. Dowell
11 had not taken the actions to use that key. And at
12 the Board -- at the Board's recommendation, they
13 said to him that in two years, which has now been
14 extended to three years, if he had continued to
15 attend AA meetings and otherwise demonstrated that
16 he could remain disciplinary free, which he has
17 clearly done, that he would have demonstrated his
18 readiness to go back into society, and Mr. Dowell
19 in addition to doing those things that have been
20 asked of him, has really demonstrated that he has
21 become a more reflective person. He's able to
22 discuss the facts of the crime. He did not sit
23 here today and claim self-defense about what
24 happened. Many of the reports that were read by
25 ~~the DA were things that were discussed in the~~
26 1995, 1998 time period. Since then, Mr. Dowell
27 has continued to go to AA, has continued to go to

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1 his LDS self-help program. One would hope that in
2 eight years' time that he would be given a chance
3 to demonstrate that he has learned something, that
4 he has changed, and to simply quote passages from
5 things that have happened so long ago simply is
6 not fair, nor is it the proper assessment --

7 [Thereupon, a new tape was begun.]

8 DEPUTY COMMISSIONER FILANGERI: Side one of
9 tape two of the Parole Consideration Hearing for
10 Mr. Kenneth Dowell, D-O-W-E-L-L, C number 78669.
11 Sorry for the interruption. Go ahead.

12 ATTORNEY HAWKINS: Many of the concerns that
13 have been expressed in the psych reports in the
14 past, as well as by the Board, is an issue that
15 exists for every single inmate here in San
16 Quentin, which is basically they exist in a
17 controlled environment, how are we to know that
18 when released back into society that they will
19 continue to do certain things, continue to have
20 behavior that is acceptable, and Mr. Dowell has
21 demonstrated that those activities which he finds
22 necessary in order to survive inside are the exact
23 same things that he will do when he is released
24 out into society, those things being AA. Clearly
25 ~~those groups exist outside. LDS, the church is~~
26 there for him. His family is there for him also
27 in the LDS community. His vocational expertise,

1 which he has clearly demonstrated, as gone through
2 by the panel here today, and will hopefully
3 transition him properly into society. He has
4 expressed that the Oregon situation seems ideal
5 for him, and as Commissioner Eng pointed out,
6 there are -- there is clearly the additional peril
7 of obtaining interstate transfer. Mr. Dowell has
8 looked into that situation along with his
9 counselor here at San Quentin and is in the
10 situation which he mentioned with respect to the
11 halfway houses, which is, until he has been
12 granted parole, he cannot set the wheels in motion
13 to obtain that transfer, but he has put all the
14 pieces in place so that when he is able to start
15 that process, he will be in the best position
16 possible to obtain that transfer. Assuming that
17 doesn't happen at time, Mr. Dowell does have
18 family in the L.A. area. His aunt has indicated
19 that she would be willing to take him in.
20 Even though he feels that it would be a burden,
21 there is still that possibility, and he has looked
22 into some halfway houses, and clearly the job
23 skills, they exist no matter where he goes. So
24 there is a stable environment out there. There

25 ~~are institutions in place that are the same as the~~
26 ones here that will continue to help him, and it's
27 clear that while nothing can change the harm that

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1 Mr. Dowell caused, and he expressed that here
2 today, that he has changed himself. He is not the
3 person that, as he stated, sometimes didn't think
4 about the repercussions of his actions, rather,
5 he's a person who now, because of the skills and
6 the tools that he's gained by being here for the
7 past 23 years, is someone who can become a
8 productive member of society, and his minimum
9 eligible parole date, as mentioned, was 1992.
10 He's gone through a lot since then. He has served
11 the time that is commensurate with his sentence
12 and demonstrated that it's time for him to be
13 released. Thank you.

14 PRESIDING COMMISSIONER ENG: Mr. Dowell,
15 this is your opportunity to address the panel
16 regarding your parole suitability if you so
17 choose.

18 INMATE DOWELL: I feel that I am suitable
19 for parole today for the simple reason that I --
20 as my attorney has stated, I have taken a number
21 of classes and everything to get in touch with my
22 inner self and my feelings about what caused me to
23 do some of these things, and my inability to have
24 the forethought of empathy before you take your
25 ~~actions of why -- of when you do something.~~

26 Before you drink two beers, or three beers, and
27 get in a car and go driving somewhere, to think

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1 that we should not do that because we could run
2 over people, or fail to hit the brakes on time
3 anyway, even though you don't attend [sic] to
4 those things, those are things that you know that
5 can happen to you, and by going to AA and working
6 the steps through that, I've actually been going
7 to AA since 1987, and when I was incarcerated in
8 Soledad penitentiary, though I started AA there,
9 and I carried it all the way through. There was a
10 period of about three years here that I could not
11 attend on a regular basis to AA, but since the
12 last parole hearing prior to this one, I have
13 attended weekly for, and I've only missed -- in
14 six years I think I've missed seven meetings, and
15 I do work the steps completely, and where you take
16 your step four and you take that searching and
17 moral inventory of yourself and what brought you
18 to this point in your life, and what you've done
19 to other people, and so that all of these things,
20 every time you make a decision to do something,
21 plays a real important role in what your next step
22 and what you're going to do, and some of the
23 things, I'm not very proud of some of the things
24 that I've done over my life and everything, and

25 but I can't correct those things. That's one
26 factor in my life that I will always have to do
27 nothing but pray that I have forgiveness in order

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1 to exist in my life and everything, and I thank
2 you.

3 PRESIDING COMMISSIONER ENG: Okay. We'll
4 now recess for deliberation. The time is 12:32.

5 R E C E S S

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CALIFORNIA BOARD OF PAROLE HEARINGS

D E C I S I O N

DEPUTY COMMISSIONER FILANGERI: Okay. Back on record.

PRESIDING COMMISSIONER ENG: Okay. The time is 1:03 p.m., and let the record note that everyone who was in the room prior to our recess has now returned. In the matter of Kenneth Dowell, the panel has reviewed all the information received and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society or a threat to public safety if released from prison. In reference, the commitment offense was carried out in an especially cruel and/or callous manner. There were multiple victims attacked, injured and/or killed in the same or separate incidents, basically, your common law wife and Mr. Winnet. The offense was carried out in a very dispassionate and calculated manner, such as execution style murder. Specifically, Mr. Winnet had his hands up after the two of you were exchanging gunfire, had his hands up and was giving up, and you still proceeded to take your

shotgun and shoot him again and which caused his

KENNETH DOWELL C-78669 DECISION PAGE 1 11/30/06

1 demise. The offense was carried out in a manner
2 which demonstrates an exceptionally callous
3 disregard for human suffering, and the motive for
4 the crime is inexplicable or very trivial in
5 relation to the offense, and it was really based
6 on jealousy. These conclusions are drawn from the
7 Statement of Facts, which I had previously read
8 into the record earlier, and again, it's very
9 difficult for us to understand what was in your
10 mind at that time where you had ample time to
11 cease and desist in the killing of Mr. Winnet.
12 The two of you, he got out of his vehicle, you got
13 out of your vehicle, you started shooting him and
14 he was trying to give up, and you proceeded to
15 grab another weapon, and ended up killing the man.
16 The prisoner has an escalating pattern of criminal
17 conduct. Specifically, your record of public
18 drunkenness, drunk driving, brandishing a firearm
19 and pandering, that all have led up to the life
20 crime. You've got a somewhat history of unstable
21 or tumultuous relationships with others,
22 specifically with Pauline, who was the victim and
23 your common law wife. The inmate has failed
24 previous grants of probation, failed to profit
25 ~~from society's attempts to correct his~~
26 criminality, and the attempts included adult
27 KENNETH DOWELL C-78669 DECISION PAGE 2 11/30/06

1 probation, and I can't remember if you were on
2 probation at the time of the life offense or not.
3 The prisoner has programmed in a limited manner
4 while incarcerated, and failed to upgrade
5 educationally and vocationally as previously
6 recommended by the Board. He's not sufficiently
7 participated in beneficial documented self-help
8 and/or therapy programs. The psychological
9 report, and I'm going to refer to both of these.
10 The recent one, dated May 2nd of 2006, and the one
11 dated September 27th of 2000, because they were
12 both authored by the same doctor, Michelle Inaba,
13 I-N-A-B-A. We found that the recent one is
14 conditionally supportive but felt that it really
15 failed to answer the previous panel's requests,
16 specifically -- let me see if I can find it. The
17 previous panel had asked the psychologist to
18 address the significance of alcohol as it related
19 to the commitment offense, and to estimate the
20 prisoner's ability to refrain from the use of same
21 when released, the extent to which the prisoner
22 has explored the commitment offense and come to
23 terms with the underlying causes and the need for
24 future therapy programs while incarcerated. When
25 ~~you take a look at the psychological evaluation of~~
26 2006, one thing that I became very alarmed at is
27 KENNETH DOWELL C-78669 DECISION PAGE 3 11/30/06

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1 on the bottom of page 3 of the 2006 evaluation,
2 Dr. Inaba states that: "He would not expect to
3 have a problem with relapse into the use of
4 alcohol as he, quote, 'hasn't thought about
5 drinking for years,' unquote." The panel finds
6 that that is not an adequate explanation for what
7 the previous panel was asking for. So, however,
8 the 2006 report, she does go on to state that any
9 return to the use of intoxicants would change his
10 prognosis, but failed to say how that would change
11 his prognosis and what risk there would be to the
12 community, but states that he would be expected to
13 be at low risk of violence in a controlled
14 environment. The reason why I state that, go back
15 to the 2000 psychological evaluation by Dr. Inaba,
16 is that it was fairly negative but yet still
17 didn't -- the 2006 one didn't adequately address
18 any of the risks and the concerns that Dr. Inaba
19 had stated in the 2000 one. In reference to the
20 -- your parole plans, sir, we feel that the
21 prisoner lacks realistic parole plans in that he
22 does have any viable residential plans in the last
23 county of legal residence, that being Los Angeles
24 County, let alone in the state of California, your
~~25 parole plans are in Oregon, and he does not have~~
26 acceptable employment plans. Just to state that,
27 KENNETH DOWELL C-78669 DECISION PAGE 4 11/30/06

1 you know, you would find a job is not adequate.
2 It's really very, very important, sir, that you
3 have -- when you come to a panel, that you have
4 very -- you know, as current letters as possible.
5 Things change with people on the outside. One day
6 people are here, the next day they may not be, so
7 you want to have the most current letters of
8 support to present to the panel, and make sure
9 that they're very, very specific in what they are
10 offering to you. So they have to be very specific
11 about your housing and what does that mean, will
12 you have your own room, are they providing
13 transportation to you, are they providing
14 financial support indefinitely to you so that you
15 can transition? You know, make it as specific as
16 possible. Also in terms of employment plans,
17 provide letters that you are sending out to
18 organizations inquiring about possible employment,
19 and keep records of all that. And I've seen many
20 inmates come in with a whole synopsis, where
21 they've got it listed the date that they sent
22 things out and when they received responses, who
23 it went to, you know, and all different things.
24 There's a lot of different things that you can do
25 to show the panel that you're in control of your
26 own destiny, along with who have you written to in
27 KENNETH DOWELL C-78669 DECISION PAGE 5 11/30/06

1 terms of halfway houses. We -- there are a lot of
2 other inmates in your situation that do not have
3 any support system, any family within the state of
4 California or within -- you know, let alone in the
5 last county of residence, but they have managed to
6 reach out and try to find and line up various
7 organizations that can help them, that can provide
8 a roof over their head, and they've provided us
9 with documentation about that, and I'd also highly
10 recommend that you don't just have one, that you
11 have backup plans, because if one doesn't come
12 through, what are your backup plans? Because, you
13 know, one thing happens when there's a -- if and
14 when you're granted a date, it does go through a
15 very rigorous review process, everything has to be
16 confirmed. So it's in your best interest to have
17 backup plans. It would also be in your best
18 interest to give evidence of what type of support
19 network you are setting up for yourself on the
20 outside. What we look for, sir, is every possible
21 thing that you've thought of for your success on
22 the outside, because the last thing anybody here
23 or yourself should want is for you to end up being
24 incarcerated again and in violating anything, so
25 ~~in order for you to be successful, you need to~~
26 make sure that you have everything set up on the
27 KENNETH DOWELL C-78669 DECISION PAGE 6 11/30/06

1 outside, safety nets, so to speak, so that should
2 you end up in a situation where there are weapons
3 there and there's drinking and stuff, that what do
4 you have set up for yourself to make sure that you
5 wouldn't fall back into a situation where you
6 could lose control, get angry, and end up becoming
7 violent. Regarding 3042 responses, the District
8 Attorney of Los Angeles County has expressed
9 rather vehemently their opposition to parole at
10 this time. The panel makes the following
11 findings. The prisoner needs documented self-help
12 in order to face, discuss, understand and cope
13 with stress in a nondestructive manner. Until
14 progress is made, the prisoner continues to be
15 unpredictable and a threat to others.
16 Nevertheless, the prisoner should be commended for
17 being disciplinary free for all these years, and
18 also the fact that I believe it was Commissioner
19 Filangeri stated back in January 18th of 1989 you
20 completed a 12-month course in Operation and
21 Maintenance of High Pressure Boilers, and plus,
22 you should be commended for your recent
23 re-involvement in vocational training. However,
24 these positive aspects in your behavior do not
25 ~~outweigh the factors of unsuitability.~~ In a
26 separate decision the hearing panel finds that the
27 KENNETH DOWELL C-78669 DECISION PAGE 7 11/30/06

1 prisoner has been convicted of murder and it is
2 not reasonable to expect that parole would be
3 granted at a hearing during the next three years.
4 The specific reasons for this finding are as
5 follows. The prisoner, again, committed the
6 offense in an especially cruel manner, and again I
7 refer back to what I read into the record from the
8 Statement of Facts, that you took your common law
9 wife, supposedly against her will, in your vehicle
10 and ended up confronting her, the man that she
11 wanted to marry, I believe, ended up confronting
12 him, taking a few shots at him with your handgun,
13 and then reaching for a shotgun after he had his
14 hands up and wanted to give up, and shooting him,
15 and ended up killing him. Multiple victims were
16 attacked, injured and/or killed in the same
17 incident. Basically your common law wife,
18 Pauline, was one of the victims, and obviously the
19 deceased, Mr. Winnet. The offense was carried out
20 in a very dispassionate and/or calculated manner.
21 It was carried out in a manner, which demonstrates
22 an exceptionally callous disregard for human
23 suffering, and the motive for the crime was
24 inexplicable or very trivial in relation to the
25 offense. It really was based on your jealousy and
26 your unwillingness to give up on your common law
27 KENNETH DOWELL C-78669 DECISION PAGE 8 11/30/06

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1 wife and two children and let them go. The
2 prisoner's had a history of criminality or
3 misconduct that includes the public drunkenness,
4 you know, your prior record, brandishing a
5 firearm, drunken driving and pandering, and again,
6 a history of unstable, tumultuous relationships
7 with others, and this is evidenced by the claim of
8 abuse by your common law wife, Pauline, and then
9 your pandering conviction. Again, the recent
10 psychological report dated May 2nd, 2006, and
11 authored by Dr. Inaba, I-N-A-B-A, the
12 improvements, there were a lot of improvements
13 that -- within the new report as opposed to her
14 2000 report, and again, both of these reports were
15 done by the same doctor. There were many
16 improvements, although not well supported, and
17 basically suggests that your gains are recent and
18 would require a longer period of observation and
19 evaluation. Again, the prisoner has not completed
20 the necessary programming, which is essential to
21 his adjustment and needs additional time to gain
22 such programming. So again, failed to
23 participated and complete any documented
24 self-help. Therefore, a longer period of
25 ~~observation and evaluation of the prisoner is~~
26 required before the Board should find that the
27 KENNETH DOWELL C-78669 DECISION PAGE 9 11/30/06

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1 prisoner is suitable for parole. The panel
2 recommends that the prisoner remain disciplinary
3 free; if available, upgrade vocationally and
4 educationally; also if available, participate in
5 documented self-help and therapy, again, if
6 available. And I believe that concludes my
7 reading of the decision. Commissioner --

8 DEPUTY COMMISSIONER FILANGERI: No, thank
9 you.

10 PRESIDING COMMISSIONER ENG: -- Filangeri?
11 Okay. Okay. This hearing is now over. The time
12 is 1:18.

13 A D J O U R N M E N T

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23 PAROLE DENIED THREE YEARS

24 THIS DECISION WILL BE FINAL ON: MAR 30 2007

25 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT

26 DATE, THE DECISION IS MODIFIED.

27 KENNETH DOWELL C-78669 DECISION PG 10 11/30/06

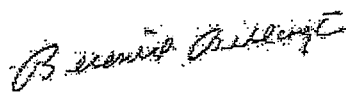
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CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, Berenice Billington, a duly designated transcriber, NORTHERN CALIFORNIA COURT REPORTERS, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 97, and which recording was duly recorded at SAN QUENTIN STATE PRISON, at SAN QUENTIN, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of KENNETH DOWELL, CDC No. C-78669, on November 30, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated January 31, 2007, at Sacramento County, California.



Berenice Billington
Transcriber
NORTHERN CALIFORNIA COURT REPORTERS

EXHIBIT C

DOWELL, Kenneth C- 369

May 2, 2006

**PSYCHOSOCIAL EVALUATION
FOR THE BOARD OF PRISON TERMS
JUNE 2006 LIFER HEARING
SAN QUENTIN STATE PRISON**

PSYCHOSOCIAL ASSESSMENT

- I. Identifying Information: Mr. Dowell is a 59 year old (DOB 10-6-46), Caucasian male who is serving a Life sentence for murder in the second degree. He is presently serving a 15-year to life sentence at San Quentin State Prison. This report is based on a review of Mr. Dowell's central files, medical record and a face-to-face interview conducted in the staff offices of San Quentin State Prison. Mr. Dowell was informed of the limits of confidentiality in that information provided would be included in a report to the Board of Prison Terms. Mr. Dowell stated that he understood this and was able to demonstrate an understanding of the purpose of the interview. He denied any need for assistance or for any adaptive aides and stated that he was fully able to participate in the interview. Only Mr. Dowell and the examiner were present at the interview.

Mr. Dowell's developmental history, family history, psychosocial development and sexual orientation, military history, educational history, employment and income history, and substance abuse history have been thoroughly reviewed and presented in previous reports and will not be repeated here. The reader is referred to the June 2002 report by this examiner for this information.

II. Plans if Granted Release:

A. Housing: Mr. Dowell would be able to live with his aunt if he is paroled. She would be willing to provide housing for him until he is able to provide his own housing. If he were allowed to parole out of state, he would return to the state of Oregon where his family owns property. He believes that he would be able to work out an arrangement with his brother to live in a house that his brother owns.

B. Employment: Mr. Dowell belongs to the Millwright's Union and considers himself to be employable as a Millwright. His brother works for Weyerhaeuser as an electrician and will help Mr. Dowell get employment with that company. Mr. Dowell is also in the process of researching companies in the Los Angeles area that might have jobs for which he would be qualified.

DOWELL, Kenneth C-78669

May 2, 2006

Mr. Dowell would need to have approximately \$5,000 worth of tools in order to start working. He believes that he might be eligible for assistance with this from the state Employment Development Department or from his family.

C. Social Support/Services: Mr. Dowell plans to organize his social life around participation in Alcoholics Anonymous and his church. He has been participating in LDS church activities at San Quentin. He stated that he has resumed participation in religious activities after an absence of many years. He attended the Episcopal Church as a child but did not attend church after the age of fifteen.

Another inmate approached Mr. Dowell and invited him to attend an LDS group in San Quentin. Mr. Dowell reported that he had been feeling that something was missing from his life. Since attending the group, he has begun to feel more complete. He plans to become baptized when he is out of prison. Since joining this group he has given up all swearing and the use of tobacco, and caffeine and attends a group that provide guidance for living a Christian life.

Mr. Dowell is a single man and has no romantic relationships at the present time. He had a long-term relationship with a woman who died of stomach cancer in 2003. She was instrumental in getting Mr. Dowell involved in AA. after she observed that he had a drinking problem. They maintained a correspondence and close friendship for 19 years before she passed away.

CLINICAL ASSESSMENT

III. Current Mental Status/Treatment Needs:

Mr. Dowell appeared to be his stated age. He was well groomed and dressed in standard CDC inmate clothing. He appeared to be fully alert, and was oriented in all spheres. He was able to spell WORLD forward and backwards, in spite of having a history of dyslexia. He stated that he still has difficulty sounding out some words when reading. His thought was coherent, linear and logical with no evidence of thought disorder. His intellectual functioning appeared to be in the average range. He seemed quite nervous at first and stated that the interviews caused him to feel that way. Mood was dysthymic with some brightening as he became more engaged in the interview. Mr. Dowell was soft-spoken and spoke with some hesitancy. He is a taciturn man, not given to elaboration of speech. He reported no vegetative signs of depressed mood such as loss of appetite, fatigue or poor sleep. He became sad and emotional when discussing the death of a close woman friend. He denied any suicidal or homicidal thoughts. His judgement appeared to be adequate for most situations. He demonstrated some capacity for insight.

CURRENT DIAGNOSTIC IMPRESSIONS:

AXIS I: V62.82 Bereavement
 305.00 Alcohol Abuse (in controlled environment)
 V71.01 Adult Antisocial Behavior (by history)

Dowell, Kenneth C-78669

2 San Quentin

May 2, 2006

DOWELL, Kenneth C-78669

May 2, 2006

AXIS II: V71.09 No contributory Personality Disorder (avoidant, obsessive-compulsive traits)
 AXIS III: Arthritis, allergies
 AXIS IV: Stressors: Incarceration, Loss of Social Support
 AXIS V: GAF = 78

IV. Assessment of Dangerousness:

The following is a risk assessment and not intended to predict future dangerousness with complete accuracy. A risk assessment is based on enumeration of factors found to be statistically associated with a greater likelihood of violent behavior. Some individuals found to have a rating of low risk for violence, become violent, while individuals who have factors suggesting high risk for violence, may never commit a future violent act.

A. Violence History: As presented previously, Mr. Dowell grew up in an environment in which he had ready access to firearms. He learned to handle guns at a young age. Guns were seen as a necessary tool for ranch work. He had a weapons charge prior to his commitment offense. His commitment offense involved the shooting of his victim.

As an older man, Mr. Dowell no longer feels a need to handle conflict situations aggressively. As stated by Mr. Dowell, "It's a macho thing when you're younger. You can handle it yourself. As you gain maturity, you can defuse situations." He denied that he would need to use a weapon to deal with any situation.

When asked what he would do if someone tried to harm his family member, he stated, "If you try to hurt my family, I'm going to try to stop you. I'm not going to murder you or hurt you. If you can't stand between them and stop it, you can call the police. I wouldn't handle it myself. You would use non-violent means."

B. In a Controlled Environment:

Mr. Dowell has remained disciplinary free since his last appearance before the Board. Based in his institutional record and present functioning, he would be expected to be at low risk of violence in a controlled environment.

C. If Released to the Community:

Mr. Dowell has the following static risk factors: a history of alcohol abuse, male gender, male victim, previous criminality, past use of a weapon, and victim injury. He has **no** present dynamic risk factors such as recent loss of control or impulsive behavior, lack of compassion, anger, or paranoid or violent thoughts.

Mr. Dowell readily admits that as a younger man, he "wasn't a model citizen." He now seems to feel ashamed of the things he did as a younger man. He recounted how he suggested that his tenant prostitute herself in order to pay her rent and stated that for him it was "all about the money." He believes that he now knows much more about relationships and sees things differently since he stopped drinking. He would not expect to have a problem with relapse into the use of alcohol as he "hasn't thought about drinking for years."

DOWELL, Kenneth C-78669

May 2, 2006

In the community his plan for avoiding relapse would be to associate with people who don't drink; go to non-alcoholic social events, and avoid going places where alcohol is served.

Mr. Dowell has made a commitment to live a clean and sober lifestyle and has insight into problems of judgement that were caused by his use of alcohol. He comes from a family that has a history of alcoholism.

Although he owned his own business in the past, Mr. Dowell plans to be an employee in the future. He still sees himself as working long days as he states that he was "raised that way. In order to take care of yourself and be self-sufficient, you must work." He recalled that from the age of 10 or 11, if he was not in school, he was working. His leisure time would be spent in church or AA sponsored activities. He also has hobbies such as wood working that he would be interested in pursuing. His plans for how to use his time if paroled seem to be constructive and realistic.

V. Clinician Comments and Summary:

There have been some changes in Mr. Dowell's presentation since this examiner last evaluated him in 2000. Mr. Dowell has a greater understanding of the impact of his crime on the lives of others, including the victim's family and his own children. He has one son who is in prison and a son and a daughter with whom he has very little contact.

He now acknowledges that jealousy as well as alcohol was a factor in his crime. He has previously contended that the crime occurred when he was trying to help his former common-law wife get her vehicle back from her fiancé. Mr. Dowell continues to relate that he does not believe that he would have sought to harm the victim had the victim not been armed with a gun when he exited his vehicle, and that he therefore acted in self-defense. His account is not consistent with eyewitness testimony.

Mr. Dowell is not a person who is comfortable talking about or expressing his feelings. He acknowledges that he was capable of violence in the past, but no longer has a need to display the same level of aggression.

It would seem that in the intervening years, Mr. Dowell has participated in self-help and religious activities that have given him the skills to conduct himself in a sober and non-violent manner across settings. He regularly attends AA and is on the waiting list for Kairos.

Mr. Dowell has suffered the loss of a close friend and has come to see the importance of accepting help from others. He continues to be hard working, mild-mannered and socially compliant. With greater maturity, it would be expected that a man would have more consistent behavioral control and a lessening of anger. This would seem to be the case with Mr. Dowell. In addition, his identification with pro-social groups such as AA and the LDS church is also a positive change that would further lessen any risk of future violent behavior. Overall, his risk of violent recidivism would be low at the present time, provided he remains abstinent from the use of alcohol and drugs.

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Any return to the use of intoxicants would change his prognosis. Mr. Dowell presently experiences some emotional distress, subsequent to the death of someone who was very important to him. He has support persons in the institution, with whom he can discuss this loss. There is no indication that his emotional distress would increase the likelihood that he would engage in criminal or violent acts. If anything, this loss has caused Mr. Dowell to seek support from others in a manner that would further lessen the risk of future violence.



5-2-06

Michel Lynn Inaba, Ph.D.
Contract Psychologist

Date

EXHIBIT D

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1 viable residential plans in the last county of
2 legal residence, and he does not have acceptable
3 employment plans. And the Hearing Panel notes that
4 responses to 3042 notices indicate an opposition to
5 a finding of parole suitability, specifically by
6 the District Attorney of Los Angeles County. We do
7 want to commend the prisoner for his certification
8 for operating boilers, his pre-GED class, his
9 modern metal cutting, and an Alternatives to
10 Violence class that he had taken, and a self-esteem
11 program, and human growth and development. He is
12 also receiving above average work reports for his
13 work. However, these positive aspects of his
14 behavior do not outweigh the factors of
15 unsuitability. Mr. Dowell, this is going to be a
16 two-year denial at this time. You -- It has been
17 recommended since 1993 and in 2000 by the doctor,
18 by prior Panels that you continue to stay in AA and
19 get some self-help. And that has not occurred. In
20 a separate decision, the Hearing Panel finds it is
21 not reasonable to expect that parole would be
22 granted at a hearing during the following two
23 years. And the specific reasons are as follows,
24 that the prisoner committed the offense in a very
25 cruel manner. Specifically that he sought out the
26 victim and was prepared to confront him as he had a
27 KENNETH RAY DOWELL C-78669 DECISION PAGE 5 7/17/03

1 violence prevention strategies,
2 victim awareness, strategies for
3 coping with dyslexia, relationship
4 skills, and substance abuse relapse
5 prevention. Mr. Dowell would also
6 benefit from intervention such as
7 psychotherapy, which would offer the
8 opportunity to increase his insight
9 into his own impulses and behavior."

10 And it was also noted in the psychiatric report
11 that was prepared in September of 1993 by
12 Dr. Dupre, D-U-P-R-E, that it was recommended that
13 the inmate continue vocational training, self-help
14 group participation, upgrading his education, and
15 disciplinary-free programming, which were all
16 thought to be helpful towards proper
17 resocialization into society, and internalization
18 of traditional societal values. Continuing his AA
19 group meetings is strongly encouraged. In the
20 event that the subject is paroled, a comprehensive
21 outpatient substance abuse treatment program should
22 be instituted within the treatment plan. And as
23 was noted in the hearing today, the inmate has not
24 been participating in AA since 1996, and he has no

~~25 current self-help programs. The prisoner does lack~~

26 realistic parole plans in that he does not have

27 KENNETH RAY DOWELL C-78669 DECISION PAGE 4 7/17/03

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1 offense, and I think you need to read all the
2 reports, specifically the transcript, so that
3 you're better prepared about what you say about
4 your crime the next time you come before this
5 Board. I wish you good luck.

6 PRESIDING COMMISSIONER DALY: And I do want
7 to state, try to get the information out. You need
8 to start preparing right now on your parole plans.
9 Even if a hearing is postponed, anything that comes
10 in between now and your next parole hearing is
11 usable. So you need to really try to get an answer
12 back from those. See what you can do about getting
13 an interstate transfer if that is your wish to
14 transfer up to Oregon. And I know that that is a
15 possibility. But that's going to be very
16 important. We'll conclude the hearing. It is
17 4:35.

18 INMATE DOWELL: Thank you.

19 --oOo--

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25 PAROLE DENIED TWO YEARS

26 FINAL DATE OF THIS DECISION

OCT 15 2008

27 KENNETH RAY DOWELL C-78669 DECISION PAGE 8 7/17/03

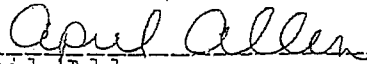
69

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, APRIL ALLEN, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify, under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 68, and which recording was duly recorded at CALIFORNIA STATE PRISON, SAN QUENTIN, at SAN QUENTIN, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of KENNETH RAY DOWELL, CDC No. C-78669, on JULY 17, 2003, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated July 30, 2003, at Sacramento County, California.



April Allen
Transcriber
~~CAPITOL ELECTRONIC REPORTING~~

PROOF OF SERVICE

C.C.P. section 1013a & 2015.5; 28 U.S.C. section 1746

I, KENNETH DOWELL, am a resident of San Quentin State Prison, in the County of Marin, State of California, am over the age of eighteen (18) years and am a party to the above-entitled action. My State prison address is San Quentin Prison, San Quentin, California 94974.

On July 09, 2007, I served the foregoing information to which was a Writ of Habeas Corpus on the party(s) herein by placing a true copy(s) thereof, enclosed in sealed envelope(s), with postage thereon fully paid, in the United States Mail, in a deposit box so provided by the U.S. Postal Service, addressed as follows:

Clerk of the Court
Superior Court of Los Angeles
Central District-Clara Shortridge Foltz
Criminal Justice Center
210 West Temple St.,
Los Angeles, California 90012

There is delivery service by United States mail at the places so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed. I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of July 2007.

SS *Kenneth Dowell*
Kenneth Dowell
Petitioner Pro-se

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**DEPT 100**

Date: OCTOBER 26, 2007

Honorable: STEVEN R. VAN SICKLEN
NONEJudge A. ALDANA
Bailiff NONEDeputy Clerk
Reporter

(Parties and Counsel checked if present)

BH004727

In re,

KENNETH DOWELL,

Petitioner,

On Habeas Corpus

Counsel for Petitioner:

Counsel for Respondent:

Nature of Proceeding: ORDER RE: PETITION FOR WRIT OF HABEAS CORPUS

The Court has read and considered Petitioner's application for a Writ of Habeas Corpus filed on June 12, 2007. Having independently reviewed the record, giving deference to the broad discretion of the Board of Parole Hearings ("Board") in parole matters, the Court concludes that the record contains "some evidence" to support the Board's finding that Petitioner presents an unreasonable risk of danger to society and is therefore not suitable for release on parole. See Cal. Code Reg. tit., 15, § 2402; *In re Rosenkrantz* (2002) 29 Cal. 4th 616, 667.

Petitioner was received in the Department of Corrections on December 30, 1983, after a conviction for second degree murder. He was sentenced to 15 years to life imprisonment. His minimum parole eligibility date was July 6, 1992. The record reflects that on March 24, 1982, Petitioner killed the victim, the boyfriend of his ex-common law wife, during a shoot out between Petitioner and the victim.

The Board found Petitioner unsuitable for release on parole after a parole consideration hearing held on November 30, 2006. Petitioner was denied parole for three years. The Board concluded that Petitioner was unsuitable for release on parole and would pose an unreasonable risk of danger to society and a threat to public safety. The Board based its decision on several factors including the circumstances of the commitment offense, Petitioner's criminal history, his unstable social history, his insufficient participation in self-help programs, and his lack of viable parole plans.